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RESOLUTION NO. 04-329

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-89746, (SOUTH OF 13TH, ALONG BOTH SIDES OF 135TH STREET WEST)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **WATER DISTRIBUTION SYSTEM NUMBER 448-89746, (SOUTH OF 13TH, ALONG BOTH SIDES OF 135TH STREET WEST)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **02-527** adopted on **December 10, 2002**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water Distribution System Number 448-89746, (south of 13th, along both sides of 135th Street West)** in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **One Hundred Eighty-One Thousand Dollars (\$181,000)**, exclusive of the cost of interest on borrowed money, with **67.91** percent payable by the improvement district and **32.09** percent of the total cost payable by the City of Wichita from Water Department Water Utility Improvement Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2003**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

LIBERTY PARK 2ND

Lots 1 through 49, Block A
Lots 1 through 39, Block B
Lots 1 through 37, Block C
Lots 1 through 36, Block D
Lots 1 through 3, Block E

COPPER GATE ESTATES

Lots 1 through 47, Block A
Lots 1 through 8, Block B

Lots 1 through 40, Block C
Lots 1 through 37, Block D
Lots 1 through 36, Block E
Lots 1 through 14, Block F

COPPER GATE ADDITION

Lot 1, Block A, Copper Gate Addition, Sedgwick County, Kansas, EXCEPT that part described as follows: Beginning at the most easterly corner common to said Lot 1 and Lot 2, in said Block A; thence S89°35'25"W along the north line of said Lot 2, 200.00 feet to the NW corner of said Lot 3; thence S00°00'00"W along the west line of said Lot 2, 200.00 feet to the SW corner of said Lot 2; thence S89°35'25"W along the south line of said Lot 1, 325.01 feet to the SW corner of said Lot 1; thence N00°00'00"E along the west line of said Lot 1, 686.69 feet; thence N89°35'25"E, 205.01 feet to a point 205.00 feet normally distant east of the west line of said Lot 1; thence S00°00'00"E, 250.01 feet; thence N89°35'25"E, 320.01 feet to a point on the east line of said Lot 1; thence S00°00'00"E along the east line of said Lot 1, 236.69 feet to the point of beginning.

Lot 3, Block A

UNPLATTED TRACT "A"

That part of the NE 1/4 of Sec. 14, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the NE corner of said NE 1/4; thence S00°00'00"E along the east line of said NE 1/4, 1520.00 feet to the intersection with the south line of Lots 33 and 34, Block C, copper Gate Estates, Wichita, Sedgwick County, Kansas, as extended easterly, and for a point of beginning; thence S89°35'25"W along said extended south line, 380.1 feet to the SW corner of said Lot 33; thence S18°23'06"W along the east line of Lots 19 and 18 in said Block C, 113.38 feet to the deflection corner in the east line of said Lot 18; thence S10°23'23"E along the east line of Reserve "B" in said Copper Gate Estates, 290.60 feet to a deflection corner in said east line; thence S37°54'47"E along the east line of said Reserve "B", 257.72 feet to a deflection corner in said east line, said deflection corner being 2118.00 feet south of the north line of said NE 1/4 as measured parallel with the east line of said NE 1/4; thence N89°35'25"E along the east line of said Reserve "B", and as extended easterly, 205.00 feet to a point on the east line of said NE 1/4; thence N00°00'00"E along the east line of said NE 1/4, 598.00 feet to the point of beginning, all being subject to road rights-of-way of record.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis:

Lots 1 through 49, Block A, Lots 1 through 39, Block B, Lots 1 through 37, Block C, Lots 1 through 36, Block D, and Lots 1 through 3, Block E, LIBERTY PARK 2ND shall each pay 3/1246 of the total cost of the improvements, and Lots 1 through 47, Block A,

Lots 1 through 8, Block B, Lots 1 through 40, Block C, Lots 1 through 37, Block D, Lots 1 through 36, Block E, and Lots 1 through 14, Block F, COPPER GATE ESTATES shall each pay 3/1246 of the total cost of the improvements, part of Lot 1, Block A (described above), and all of Lot 3, Block A, COPPER GATE ADDITION, shall each pay 103/1246 of the total cost of the improvements and UNPLATTED TRACT "A" shall pay 2/1246 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas June 22, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)